

**Christine Cusack**

**From:** Christine Cusack  
**Sent:** Friday, June 03, 2005 9:26 AM  
**To:** 'Whitman, M. Hamilton Jr.'; Jeff Asperger; Robert G. Clyne  
**Cc:** wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile Grigaitis; James A. Saville  
**Subject:** RE: Tate & Lyle: remaining discovery

All,  
Mike Parnell does not have any available dates in July for his deposition as he is already committed to work on 4 different projects during the month. He has availability as follows:  
August 1 - 5  
August 8 - 12  
August 15 - 19  
August 29 - September 2  
Please let me know your availability on these dates. Please also advise if you still wish to produce Captain Popp for deposition in July or if you would prefer to schedule him during August when Mike Parnell is scheduled.  
Thank you,  
Christine Cusack

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-----Original Message-----

**From:** Whitman, M. Hamilton Jr. [mailto:mhwhitman@ober.com]  
**Sent:** Tuesday, May 03, 2005 3:11 PM  
**To:** Jeff Asperger; Robert G. Clyne  
**Cc:** wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile Grigaitis; James A. Saville  
**Subject:** RE: Tate & Lyle: remaining discovery

Jeff, Bob and all:

I would be happy to block dates in July, on the express understanding that we are not agreeing to discovery absent direction from the court. I have a three week arbitration beginning June 6, with depositions out of town and out of the country still to accomplish, along with all other hearing preparations, in the weeks between now and the hearing. I will also need to provide lead time to Heiner Popp, as he is retired and living in Colorado. Can we all hold July 5, 6 & 7 or July 13, 14 & 15?

Jeff, we need to have a report from Mr. Parnell.

I suggest a conference call Monday or Tuesday of next week.

Tony

M. Hamilton Whitman, Jr.

6/13/2005



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**From:** Jeff Asperger [mailto:jasperger@asplaw.net]**Sent:** Tuesday, May 03, 2005 3:01 PM**To:** 'Robert G. Clyne'; Jeff Asperger; Whitman, M. Hamilton Jr.**Cc:** wcbailey@simsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com;

agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com;

Christine Cusack; Daile Grigaitis; James A. Saville

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So what. If the court grants any extension, which it has indicated it intends to do, we will not have to scramble to complete the depositions if we have dates set aside. If no extension is given, we simply do not proceed with the depositions. There are lots of schedules to coordinate with summer vacations and such. Has this come to the point where we cannot agree to cooperate to get discovery done? Your choice.

-----Original Message-----

**From:** Robert G. Clyne [mailto:RClyne@hillrivkins.com]**Sent:** Tuesday, May 03, 2005 12:51 PM**To:** Jeff Asperger; Whitman, M. Hamilton Jr.**Cc:** wcbailey@simsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com;

agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com;

clyon@semmes.com; Christine Cusack; Daile Grigaitis; James A. Saville

**Subject:** RE: Tate & Lyle: remaining discovery

There was no agreed order.

Robert G. Clyne

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-----Original Message-----

**From:** Jeff Asperger [mailto:jasperger@asplaw.net]**Sent:** Tuesday, May 03, 2005 1:50 PM**To:** 'Whitman, M. Hamilton Jr.'; Robert G. Clyne; Jeff Asperger**Cc:** wcbailey@simsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com;

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jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile Grigaitis; James A. Saville

**Subject:** RE: Tate & Lyle: remaining discovery

I am presuming that the court will enter the agreed order as requested, and I don't believe we should wait to schedule this discovery given how busy we all are. Tony, you indicated you have a difficult schedule. So do I. Is there a problem with talking about dates now? Thanks.

6/13/2005

Jeff

-----Original Message-----

**From:** Whitman, M. Hamilton Jr. [mailto:mhwhitman@ober.com]

**Sent:** Tuesday, May 03, 2005 10:59 AM

**To:** Robert G. Clyne; Jeff Asperger

**Cc:** wcbailey@simmsshowers.com; bbrunk@gulfattorneys.com; jbartlett@semmes.com; bcole@semmes.com; agiles@semmes.com; FJGorman@GandWlaw.com; berniesevel@aol.com; jskeen@skaufflaw.com; clyon@semmes.com; Christine Cusack; Daile Grigaitis; James A. Saville

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Nor have I.

**M. Hamilton Whitman, Jr.**

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**From:** Robert G. Clyne [mailto:RClyne@hillrivkins.com]

**Sent:** Tuesday, May 03, 2005 11:51 AM

**To:** Jeff Asperger; Whitman, M. Hamilton Jr.

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What time limits are we talking about that have been set by the court? I have not seen an order.

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-----Original Message-----

**From:** Jeff Asperger [mailto:jasperger@asplaw.net]

**Sent:** Monday, May 02, 2005 8:47 PM

**To:** 'Whitman, M. Hamilton Jr.'

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**Subject:** Tate & Lyle: remaining discovery

Tony and folks,

6/13/2005

I propose the week of June 13 for the depo of Heiner Popp and our wire rope expert, Mike Parnell. The latter part of the week would work best. Please advise so that we can complete this discovery within the time limits set by the court. I will check dates with Mr. Parnell and follow up if you would advise of the availability of Capt. Popp. Thanks.

Jeff

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6/13/2005